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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,695	09/04/2003	William H. Hanewinkel III	907A.0146.U1(US)	8571
29683	7590	05/20/2005	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			SWIATEK, ROBERT P	
		ART UNIT	PAPER NUMBER	
		3643		
DATE MAILED: 05/20/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/656,695	HANEWINKE ET AL.
	Examiner	Art Unit
	Robert P. Swiatek	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 March 2005.
- 2a) This action is FINAL.                                   2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12, 14-20 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 2,3,6-12,14-20 and 23-27 is/are allowed.
- 6) Claim(s) 1 and 5 is/are rejected.
- 7) Claim(s) 4 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Fluegel (US 5,702,073: Ref. on page 2 of Information Disclosure Citation Form). The Fluegel patent discloses an aircraft component having a first modular section 20 attached to the exterior surface of the aircraft and a second section 14 in the form of a tube welded to and extending outwardly from first section 20, the two sections together comprising a one-piece structure. Section 14 is deemed to constitute a heat transfer surface. While first section 20 doesn't close an access opening, it is *adapted* to do so. For example, the right and left extremities of section 20 (as seen in Figure 3 of Fluegel) are configured such that they could receive bolts for attachment to the skin of an aircraft or, alternatively, they could be welded to or held against an aircraft fuselage, even if only temporarily; moreover, there is nothing to physically prevent first section 20 from being situated *outside* an aircraft. The “adapted to be attached” clause of instant claim 1, line 2, connotes *intention* only and not structure. While such language in this instance is not indefinite or unclear, it nonetheless does not situate the aircraft component, or a portion thereof, on the exterior of an aircraft or require that it otherwise be a part of the aircraft. If there were an opening through an aircraft's fuselage, the subsection comprising the components 14, 20, 28, and

30 of Fluegel (as seen in Figure 3) could be attached over the opening for any of several reasons and for but a short period of time using the stringer clamps 28—such a short-lived configuration would be sufficient to meet the limitations of instant claim 1. With regard to claim 5, the tube “passes” of second section 14 of Fluegel when this section has “flattened sides” (see column 4, line 7, of Fluegel) are considered to be heat transfer fins; at least a small amount of the heat transferred by the section 14 would radiate from those portions of the tube (or fins) not in direct contact with metal (and approximately represented by those portions of element 14 of Fluegel contacted by the lead lines for numerals 14 in Figure 3).

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants’ arguments filed 3 March 2005 have been fully considered but they are not persuasive. Claims 1, 5 are not believed allowable for the reasons set forth above.

**THIS ACTION IS MADE FINAL.** Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Summary: Claims 1, 5 have been rejected; claims 2, 3, 6-12, 14-20, 23-27 have been allowed; claim 4 has been objected to; claims 13, 21, 22 have been canceled.

RPS: 0571/272-6894

16 May 2005

*Robert P. Swiatek*

ROBERT P. SWIATEK  
PRIMARY EXAMINER  
ART UNIT 323 3643